

117TH CONGRESS
1ST SESSION

H. R. 4966

To require the Secretary of Energy to provide grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Ms. MATSUI (for herself, Ms. BARRAGÁN, Mr. SMITH of Washington, Mr. HUFFMAN, Mr. TAKANO, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Energy to provide grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthier and Greener
5 Schools Act of 2021”.

1 **SEC. 2. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS**
2 **AND RENEWABLE ENERGY IMPROVEMENTS**
3 **AT PUBLIC SCHOOL FACILITIES.**

4 (a) **DEFINITIONS.**—In this section:

5 (1) **COMMUNITY OF COLOR.**—The term “com-
6 munity of color” means a geographically distinct
7 area in which the population of any of the following
8 categories of individuals is higher than the average
9 population of that category for the State in which
10 the community is located:

- 11 (A) Black.
- 12 (B) African American.
- 13 (C) Asian.
- 14 (D) Pacific Islander.
- 15 (E) Other non-White race.
- 16 (F) Hispanic.
- 17 (G) Latino.
- 18 (H) Linguistically isolated.

19 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
20 ty” means a consortium of—

- 21 (A) 1 local educational agency; and
- 22 (B) 1 or more—
 - 23 (i) schools;
 - 24 (ii) nonprofit organizations;
 - 25 (iii) for-profit organizations; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(3) ENERGY IMPROVEMENT.—The term “energy improvement” means—

(A) any improvement, repair, or renovation to a school that results in a direct reduction in school energy costs, including improvements to the envelope, air conditioning system, ventilation system, heating system, domestic hot water heating system, compressed air system, distribution system, lighting system, power system, and controls of a building;

(B) any improvement, repair, or renovation to, or installation in, a school that leads to an improvement in teacher and student health, including indoor air quality, daylighting, ventilation, electrical lighting, windows, roofing (including green roofs), outdoor gardens, and acoustics;

(C) any improvement, repair, or renovation to a school involving the installation of renewable energy technologies (such as wind power, photovoltaics, solar thermal systems, geo-

1 thermal energy, hydrogen-fueled systems, and
2 hydropower); and

3 (D) the installation of zero-emissions vehicle
4 infrastructure on school grounds for—

5 (i) exclusive use of school buses,
6 school fleets, staff, faculty, or students; or
7 (ii) the general public.

8 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

9 The term “environmental justice community” means
10 any population of color, community of color, indigenous
11 community, or low-income community that experiences
12 a disproportionate burden of adverse
13 human health or environmental effects, including
14 with respect to such effects that are the result of
15 pollution or other environmental hazards.

16 (5) HIGH SCHOOL.—The term “high school”
17 has the meaning given the term in section 8101 of
18 the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 7801).

20 (6) LOCAL EDUCATIONAL AGENCY.—The term
21 “local educational agency” has the meaning given
22 the term in section 8101 of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 7801).

24 (7) PARTNERING LOCAL EDUCATIONAL AGENCY.—The term “partnering local educational agen-

1 “Local educational agency” means the local educational agency participating in the consortium of the eligible entity.

(9) ZERO-EMISSIONS VEHICLE INFRASTRUCTURE.—The term “zero-emissions vehicle infrastructure” means infrastructure used to charge or fuel—

(A) a zero-emission vehicle (as defined in section 88.102–94 of title 40, Code of Federal Regulations (or successor regulation)); or

12 (B) a vehicle that produces zero exhaust
13 emissions of any criteria pollutant (or precursor
14 pollutant) or greenhouse gas under any possible
15 operational mode or condition.

16 (b) GRANTS.—The Secretary shall award competitive
17 grants to eligible entities to make energy improvements
18 in accordance with this section.

19 (c) APPLICATIONS.—

1 (2) CONTENTS.—The application submitted
2 under paragraph (1) shall include each of the fol-
3 lowing:

4 (A) A needs assessment of the current con-
5 dition of the school and school facilities that
6 will receive the energy improvements.

7 (B) A draft work plan of the intended
8 achievements of the eligible entity at the school.

9 (C) A description of the energy improve-
10 ments that the eligible entity will carry out at
11 the school.

12 (D) A description of the capacity of the eli-
13 gible entity to provide services and comprehen-
14 sive support to make the energy improvements
15 referred to in subparagraph (C).

16 (E) An assessment of the expected needs
17 of the eligible entity for operation and mainte-
18 nance training funds, and a plan for use of
19 those funds, if applicable.

20 (F) An assessment of the expected energy
21 efficiency and safety benefits of the energy im-
22 provements.

23 (G) A cost estimate of the proposed energy
24 improvements.

6 (d) PRIORITY.—

7 (1) IN GENERAL.—In awarding grants under
8 this section, the Secretary shall give priority to an
9 eligible entity that—

10 (A) serves students the majority of whom
11 are located in—

12 (i) an environmental justice commu-
13 nity; or

(B) has renovation, repair, and improvement funding needs; and

(ii) the partnering local educational agency
of which is designated with a school district lo-
cale code of 41, 42, or 43, as determined by the
National Center for Education Statistics in con-
sultation with the Bureau of the Census.

6 (2) HIGH SCHOOL STUDENTS.—In the case of
7 students in a high school, the percentage of students
8 eligible for a free or reduced price lunch described
9 in paragraph (1)(C)(i) shall be calculated using data
10 from the schools that feed into the high school.

11 (e) COMPETITIVE CRITERIA.—The competitive cri-
12 teria used by the Secretary to award grants under this
13 section shall include the following:

(A) the current and historic ability of the partnering local educational agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

1 needs of the partnering local educational agency
2 for schools; and

3 (C) the bond rating of the partnering local
4 educational agency.

5 (2) The likelihood that the partnering local edu-
6 cational agency or eligible entity will maintain, in
7 good condition, any school and school facility that is
8 the subject of improvements.

9 (3) The potential energy efficiency, greenhouse
10 gas reduction, resilience, and safety benefits from
11 the proposed energy improvements.

12 (f) USE OF GRANT AMOUNTS.—

13 (1) IN GENERAL.—Except as provided in this
14 subsection, an eligible entity receiving a grant under
15 this section shall use the grant amounts only to
16 make the energy improvements described in the ap-
17 plication submitted by the eligible entity under sub-
18 section (c).

19 (2) ADDITIONAL FUNDS.—An eligible entity re-
20 ceiving a grant under this section may combine the
21 grant with additional funds, including other Federal
22 funds, State or local funds, and private funds (in-
23 cluding any private funds provided in an energy sav-
24 ing performance contract), provided that the eligible
25 entity meets any requirements the Secretary may es-

1 tablish relating to tracking and reporting use of
2 grant funds separately from such additional funds.

3 (3) OPERATION AND MAINTENANCE TRAIN-
4 ING.—An eligible entity receiving a grant under this
5 section may use not more than 5 percent of the
6 grant amounts for operation and maintenance train-
7 ing for energy efficiency and renewable energy im-
8 provements, such as maintenance staff and teacher
9 training, education, and preventative maintenance
10 training.

11 (4) THIRD-PARTY INVESTIGATION AND ANAL-
12 YSIS.—An eligible entity receiving a grant under this
13 section may use a portion of the grant amounts for
14 a third-party investigation and analysis of the en-
15 ergy improvements carried out by the eligible entity,
16 such as energy audits and existing building commis-
17 sioning.

18 (5) CONTINUING EDUCATION.—An eligible enti-
19 ty receiving a grant under this section may use not
20 more than 3 percent of the grant amounts to develop
21 a continuing education curriculum relating to energy
22 improvements.

23 (g) COMPETITION IN CONTRACTING.—If an eligible
24 entity receiving a grant under this section uses grant
25 funds to carry out repair or renovation through a contract,

1 the eligible entity shall be required to ensure that the con-
2 tract process—

3 (1) through full and open competition, ensures
4 the maximum practicable number of qualified bid-
5 ders, including small, minority, and women-owned
6 businesses; and

7 (2) gives priority to businesses located in, or re-
8 sources common to, the State or geographical area
9 in which the repair or renovation under the contract
10 will be carried out.

11 (h) BEST PRACTICES.—The Secretary shall develop
12 and publish guidelines and best practices for activities car-
13 ried out under this section.

14 (i) REPORT BY ELIGIBLE ENTITY.—An eligible entity
15 receiving a grant under this section shall submit to the
16 Secretary, at such time as the Secretary may require, a
17 report describing—

18 (1) the use of the grant funds for energy im-
19 provements;

20 (2) the estimated cost savings realized by those
21 energy improvements;

22 (3) the results of any third-party investigation
23 and analysis conducted relating to those energy im-
24 provements;

1 (4) the use of any utility programs and public
2 benefit funds; and

3 (5) the use of performance tracking for energy
4 improvements, such as the Energy Star program es-
5 tablished under section 324A or the United States
6 Green Building Council Leadership in Energy and
7 Environmental Design (LEED) green building rat-
8 ing system for operations and maintenance.

9 (j) WAGE RATE REQUIREMENTS.—

10 (1) DAVIS-BACON.—Any laborer or mechanic
11 employed by any contractor or subcontractor in the
12 performance of work on any energy improvements
13 funded by a grant under this section shall be paid
14 wages at rates not less than those prevailing on
15 similar construction in the locality as determined by
16 the Secretary of Labor under subchapter IV of chap-
17 ter 31 of title 40, United States Code (commonly re-
18 ferred to as the “Davis-Bacon Act”).

19 (2) AUTHORITY.—With respect to the labor
20 standards specified in paragraph (1), the Secretary
21 of Labor shall have the authority and functions set
22 forth in Reorganization Plan Numbered 14 of 1950
23 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
24 title 40, United States Code.

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$100,000,000 for each of fiscal years 2022 through 2026.

